

CHAPTER 1 OCCUPATION AND USE OF PUBLIC SPACE

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100 GENERAL PROVISIONS

- 100.1 Occupation of public space beyond the extent permitted by existing law or regulation, or as those laws or regulations may be amended from time to time, is hereby forbidden. The Mayor, however, may authorize the issuance of a permit for a use of public space directly connected with and subordinate to another use of that space which is specifically permitted by some other law or regulation, if the Mayor, on the recommendation of the Public Space Committee, finds that the proposed additional use will not adversely affect the public interest or violate any of the following criteria:
- (a) The proposed additional use will not endanger the public;
 - (b) The proposed additional use will not substantially interfere with pedestrian or vehicular traffic; and
 - (c) The proposed additional use will not increase the area of public space that the applicant for the permit is authorized to use by other law or regulation.
- 100.2 The customary and necessary use of additional space by the occupants of abutting property to handle goods in transit is permitted during business hours only. This permissible use shall not be construed to authorize an occupation of public space

for storage purposes or for crating or uncrating, boxing or unboxing, or packing or unpacking goods and materials being shipped or received.

- 100.3 For purposes of this title, the term "Mayor" shall include the Mayor's agent, designee, or representative, including the government official designated by law, regulation, or order to perform any act or to exercise any power granted under this chapter.
- 100.4 The Mayor shall have the right to revoke any permit given in accordance with the provisions of this title. If a permit is revoked, the person who held that permit shall, on notice from the Mayor, restore the sidewalk or parking as nearly as possible to its original condition, if it has been disturbed.
- 100.5 In addition to public utility installations in public space specifically authorized by statute, by this title, or by any other regulations of the District of Columbia, the Mayor may issue special permits, upon such terms and conditions as the Mayor may require, for installations of public utilities in public space as the Mayor finds are in the public interest.
- 100.6 Any person violating any provision of this title for which a specific penalty is not provided shall, upon conviction, be punished by a fine of not more than three hundred dollars (\$300).
- 100.7 The Mayor may deny the issuance or renewal of a public space permit to any applicant who has not abated, in full, a nuisance for which a notice of violation was issued for a violation of the regulations under the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100, D.C. Code §6-2901 *et seq.* (1981)).

AUTHORITY: Unless otherwise noted, the authority for this chapter is An Act approved January 26, 1887, 24 *Stat.* 368, as amended, D.C. Code §1-315; and §412 of the District of Columbia Self-Government and Governmental Reorganization Act, as amended, 87 *Stat.* 790, Pub.L. No. 93-198, D.C. Code §1-227(a) (1981).

SOURCE: Article 4, §§9, 19 & 26 of the Police Regulations (May 1981); as amended by §4 the District of Columbia Solid Waste Regulations Amendment Act of 1989, D.C. Law 8-31; 36 DCR 4750, 4753 (July 7, 1989).

101 STREETS AND ROADS

- 101.1 Without a permit from the District, no person shall make an excavation in or under any public street, avenue, or other public place; and no person shall remove from or deposit on any public street, avenue, or other public place, any earth or other material.
- 101.2 Without a permit, no person shall destroy, cut, or injure the footway or roadway of any street, avenue, or other public place.
- 101.3 No person shall place or maintain in the footway of any pavement any stopcock box, street washer, vent, vault, cover, cellar door, or any hinge that projects above the level of the pavement or above any vault cover with a smooth surface.
- 101.4 Without a permit, no person shall erect a fence or wall, or plant a tree, in any public street, avenue, or other public space; except as provided §§102 through 104.

- 101.5 No part of any street shall be used for the keeping, depositing, storing, displaying, or selling of vehicles of any kind; except when authorized under a permit issued in conformity with the provisions of chapter 3 of this title.
- 101.6 Any permit issued by the Mayor under the provisions of this title shall be displayed at all times at the address of work indicated on the permit.

SOURCE: Article 4, §20, and Article 8, §§1-3 of the Police Regulations (May 1981); as amended by §5 of the Litter Control Expansion Amendment Act of 1987, D.C. Laws 7-38, 34 DCR 5326, 5329 (August 14, 1987).

102 PUBLIC PARKING: UPKEEP AND PLANTINGS

- 102.1 The public parking on streets and avenues of the District of Columbia shall be under the immediate care and keeping of the owners or occupants of the premises abutting on the public parking.
- 102.2 No person shall use any parking for the purpose of drying clothes or other laundry.
- 102.3 No hedges shall be planted on public parking without a permit from the District. The same fee shall be charged as for parking fences.
- 102.4 Hedges on parking shall not exceed three feet (3 ft.) in height, nor project more than six inches (6 in.) over the sidewalk. On corner properties, if hedges are placed at the back of the sidewalk, they must be planted not more than ten inches (10 in.) above the sidewalk grade.
- 102.5 The Mayor is authorized to issue permits, without charging a fee, to erect tree markers of concrete or stone in tree spaces. The markers shall not be less than six inches (6 in.) nor more than eight inches (8 in.) square, or in excess of eight inches (8 in.) in height. They shall be driven firmly into the ground, and placed as directed by the Director of the Department of Public Works.
- 102.6 No tree marker shall be placed between a tree and a corner crosswalk. A metal plate may be placed on the upper surface of each marker, if it bears appropriate inscription and is securely fastened.
- 102.7 No person shall deposit or cause to be deposited any dirt, grass, or other yard refuse on any public sidewalk, tree space, roadway, or alley, from any public parking under the immediate care and keeping of the owner or occupant of the premises that abut the sidewalk, tree space, roadway, or alley.
- 102.8 For purposes of this section, "public parking" means that area of public space devoted to open space, greenery, parks, or parking that lies between the property line, which may or may not coincide with the building restriction line, and the edge of the actual or planned sidewalk that is nearer to the property line, as the property line and sidewalk are shown on the records of the District.

SOURCE: Article 4, §§1-3 of the Police Regulations (May 1981); as amended by §5 of the Litter Control Expansion Amendment Act of 1987, D.C. Law 7-38, 34 DCR 5326, 5329 (August 14, 1987); and by §4 of the District of Columbia Solid Waste Regulations Amendment Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4753 (July 7, 1989).

103 PUBLIC PARKING: WALLS, WICKETS, AND FENCES

- 103.1 After obtaining a permit from the District, the owners or occupants of land abutting a public parking may enclose the parking with any of the following:
- (a) Walls of an approved type not exceeding three feet by six inches (3 ft. x 6 in.) in height;
 - (b) Wooden fences of colonial design of an approved type not exceeding three feet by six inches (3 ft. x 6 in.) in height, with square, rectangular, or round posts and rails; with or without square, rectangular or round pickets extending through the rails; or
 - (c) Open fences of an approved type not less than three feet (3 ft.) or more than three feet by six inches (3 ft. x 6 in.) in height, constructed of iron, ornamental wire, or woven wire, and having top and bottom string pieces.
- 103.2 No permit shall be issued for, and it shall be unlawful to maintain, a sharp-pointed or spear-headed type of fence that has uppermost points or prongs that are less than one-half inch (1/2 in.) in diameter.
- 103.3 Walls and fences of a height greater than three feet six inches (3 ft. x 6 in.) shall be permitted only when specifically approved by the Mayor.
- 103.4 A fee of nineteen dollars (\$19) shall be charged for enclosing the parking in front of each house or where no parking fence or wall has previously existed.
- 103.5 No fee shall be charged for an application to repair an existing fence or wall with the same character of material; Provided, that a permit for the erection of the original fence or wall must be on record.
- 103.6 Where permission is requested to move a parking fence of an approved pattern out to a newly established sidewalk line, no fee will be charged.
- 103.7 In all cases not covered by these exceptions, however, a fee of nineteen dollars (\$19) shall be charged.
- 103.8 Blocks or pedestals for fence posts must not project above the surface of the sidewalk, and no portion of a fence or a fence post block or pedestal shall extend beyond the parking line.
- 103.9 All gates in parking fences must swing inwardly; and no gate shall swing outwardly over any sidewalk, avenue, street, or road.
- 103.10 It shall be unlawful to place or maintain any wickets, guard wires, or other similar devices upon or adjacent to the sidewalk, tree space, or parking in the District of Columbia, except in accordance with the provisions of this section.
- 103.11 Upon the payment of a fee of nineteen dollars (\$19) for each premises, the Mayor may issue a permit to erect wickets of iron not less than three-eighths of an inch (3/8 in.) in diameter. Each wicket shall be driven firmly into the ground,

overlapping at least three inches (3 in.); shall be securely lashed with wire at top intersections and at the bottom of each wicket; shall be painted green; and shall be maintained in exact alignment with their tops on a level.

- 103.12 Where the parking around which the wickets are to be placed is at the level of the sidewalk, the wickets shall have a minimum height of twenty-four inches (24 in.); and where the parking is terraced, the wickets shall have a minimum height of twelve inches (12 in.).
- 103.13 Permission to erect wickets may be revoked by the Mayor upon failure to maintain the wickets in accordance with this section, or for any other reason that the Mayor may determine.
- 103.14 No permit shall be issued for any wickets that are within one foot (1 ft.) of the back edge of a public sidewalk; or that are in, upon, or around tree spaces. The Mayor shall have the right to deny the use of wickets at any place that he or she deems that they should not be constructed or maintained.

SOURCE: Article 4, §1 of the Police Regulations (May 1981); as amended by 27 DCR 3326, 3330 (August 1, 1980).

104 PUBLIC PARKING: PAVING, GRADING, AND COVERING

- 104.1 Without the written authority of the Mayor, no person shall change the grade of any parking; pave or cover any portion of a parking; or construct any walls, steps, coping, fences, or other structures on a parking.
- 104.2 Each day that the grade, paving, or covering of a parking remains changed; and each day that any walls, steps, coping, fences, or other structures remain on a parking; shall constitute a separate offense.
- 104.3 Nothing in this section shall be construed to prevent the person having control of the premises abutting on a public parking from sodding or beautifying it with flowers.
- 104.4 Parking division fences on streets and avenues shall follow property lines.
- 104.5 Parking leads shall not be over six feet (6 ft.) wide, without the approval of the Mayor.
- 104.6 Except in the case of building operations, permits to cross sidewalks shall be granted by the Mayor upon the application of the owner of the abutting property, or his or her authorized representative, under conditions similar to those named in the Building Code governing occupation or use of public space to guarantee against any injury to the sidewalk, paving, or curbing.
- 104.7 Permits to pave the public parking in districts zoned for first commercial, second commercial, and industrial uses shall be granted by the Director of Consumer and Regulatory Affairs upon the recommendation of the Director of the Department of Public Works; and upon payment of a fee of thirty-six dollars (\$36) for each permit.

- 104.8 Without a permit from the Mayor, no person shall pave or cover with any permanent covering any sidewalk space or any portion of a sidewalk space.
- 104.9 Without a permit from the Mayor, no person shall place any letters or advertising device in or upon any sidewalk, in any manner whatever; either by projecting images or shadows upon the sidewalk by means of lenses or reflectors, or both, or in any other manner.

SOURCE: Article 4, §§3 & 4 of the Police Regulations (May 1981); as amended by §4 of the District of Columbia Solid Waste Regulations Amendment Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4753 (July 7, 1989).

105 TEMPORARY COVERED WALKWAYS

- 105.1 Temporary covered ways across sidewalks or parkings may be permitted by the Chief of Police for periods not to exceed forty-eight (48) hours.
- 105.2 Temporary covered ways shall afford a free passage of at least six feet (6 ft.) in width along the middle of the sidewalk.
- 105.3 Each applicant for a temporary covered way shall communicate to the Chief of Police by telephone, stating the time when the applicant desires to erect the covered way. The Chief of Police shall note the desired time and communicate this to the commanding officer of the police districts involved.
- 105.4 The commanding officer shall require the removal of a covered way within forty-eight (48) hours. If the inclement weather continues beyond forty-eight (48) hours, the commanding officer may extend the time for removal an additional forty-eight (48) hours.
- 105.5 Once a covered way is removed, it shall not be erected again without further permission from the Chief of Police.
- 105.6 Permits for sockets in the sidewalk, in connection with temporary covered ways across sidewalks or parkings, shall be issued by the Director of Consumer and Regulatory Affairs upon approval of the Director of the Department of Public Works.
- 105.7 Permits for sockets confer no authority to erect temporary covered ways across the sidewalks or parking areas. Once sockets have been installed, the Police Department shall issue forty-eight (48) hour permits to allow the use of the temporary covered way in inclement weather.

SOURCE: Article 4, §10 of the Police Regulations (May 1981); as amended by §4 of the District of Columbia Solid Waste Regulations Amendment Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4753 (July 7, 1989).

106 PRIVATE LAMPPOSTS AND OTHER FIXTURES

- 106.1 No private lamppost or lamp shall be erected or placed in public space or in any public street, avenue, alley, or road of the District of Columbia unless authorized by a special permit obtained prior to the erection of the lamppost or lamp.

- 106.2 Each permit shall be issued on the condition that the Mayor has the right to require the lamppost or lamp to be removed whenever the Mayor deems removal is necessary or advisable. Each application for a permit to erect a lamppost or a lamp must be accompanied by a written agreement signed by the owner or occupant, or both, of the premises in front of which the lamppost or lamp would be erected, agreeing to remove the lamppost or lamp when the Mayor requests removal.
- 106.3 No private lamppost erected in public space that extends more than three feet by six inches (3 ft. x 6 in.) from the building line shall have a greater diameter than eighteen inches (18 in.). Lampposts that are permitted shall be of an approved, single-light type.
- 106.4 The wattage of a lamp that extends more than three feet by six inches (3 ft. x 6 in.) from the building line shall not exceed the wattage as established for the public-street lamps for the vicinity; and the mounting heights shall be not less than that used for the public-street lamps of similar wattage.
- 106.5 Spot or floodlight standards shall not be erected beyond three feet by six inches (3 ft. by 6 in.) from the building line; and, in no case, shall standards be erected beyond the inner edge of the sidewalk, or beyond the building line in front of or adjacent to premises used or zoned as residential.
- 106.6 Private lamps of one hundred (100) watts or less, mounted not less than eight feet (8 ft.) above grade, may be permitted on or over public space.
- 106.7 Private lamps over one hundred (100) watts, mounted not less than fourteen feet (14 ft.) above grade, may be permitted on or over public space in other than residential zones.
- 106.8 No private lamp shall project over public space beyond a point eighteen inches (18 in.) back of the face of the nearest curb line. However, permits may be issued for lights of the public utility companies that, in the public interest, must be located in or over the public highway.
- 106.9 Lamps or clusters of lamps installed under the provisions of this section shall be installed so that the light rays shall not be directed on, against, or across public sidewalks, streets, alleys, or roadways, or across private property zoned as residential.
- 106.10 A permit for the erection of spot and floodlights beyond the building line in residence and special purpose districts may be issued when, in the opinion of the Mayor, the spot and floodlights are desirable to illuminate public monumental buildings, monuments, and other similar structures; Provided, that the illumination is in the public interest, the direct rays are confined to the premises served, and a nuisance is not created.
- 106.11 Colored lights or globes on private lamps shall not be used when placed more than three feet by six inches (3 ft. x 6 in.) beyond the building line.

- 106.12 Every private lamp erected in the public space shall be enclosed in some form of ground, opalescent, or alabaster glass of sufficient density to remove the glare from the light source. This shall not be construed to apply to lamps less than twenty-five (25) watts each, used as borders, for outline lighting, and for illuminating signs, when placed not less than fourteen feet (14 ft.) above the sidewalk.
- 106.13 No private lamppost or lamp, or any part of a lamppost or lamp, projecting or extending more than three feet by six inches (3 ft. x 6 in.) beyond the building line, or on or over any sidewalk or roadway, shall be used as a sign or advertisement.
- 106.14 No portion of a sign, fixture, marquee, or other structure or projection of a building, shall extend over public space beyond a point eighteen inches (18 in.) back of the nearest curb line.

SOURCE: Article 20, §§6 through 10 of the Police Regulations (May 1981).

107 STREETLIGHTS, STREET SIGNS, TREES, AND FIXTURES

- 107.1 No person shall break, damage, mutilate, or carry away any lantern, glass, frame, street designation, fixture, or other part or appurtenance of any public lamp; or hitch, tie, or fasten any animal to any public lamppost or appurtenance of a public lamp.
- 107.2 Without a permit from the Mayor, no person shall remove, take up, or carry away any public lamppost; extinguish or obstruct the light in any public lamp; or cap or plug the service pipe of any public lamp.
- 107.3 No person shall injure or destroy any public lamppost; attach any guy line to a public lamppost; deface any public lamppost or appurtenance of a lamppost by means of lime, mortar, paint, or other material; or pile material of any kind against any public lamppost.
- 107.4 Only an employee of the District, or a person employed by a contractor for the lighting or painting of public lamps, shall climb any lamppost.
- 107.5 No person shall hitch or fasten an animal to any tree on any street, avenue, or other public space in the District; nor to its wooden, wire, or other protection.
- 107.6 Without a permit from Director of the Department of Public Works, no person shall trim, prune, whitewash, or pile material about any tree in a street, avenue, or other public place.
- 107.7 Without a permit from Director of the Department of Public Works, no person shall attach any guy rope or wire to any tree in a street, avenue, or other public place.

SOURCE: Article 20, §§1, 3, 4 & 5, and Article 22, §§1 through 3 of the Police Regulations (May 1981); as amended by §4 of the District of Columbia Solid Waste Regulations Amendment Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4753 (July 7, 1989).

108 SIGNS, POSTERS, AND PLACARDS

- 108.1 No person shall affix a sign, advertisement, or poster to any public lamppost or appurtenances of a lamppost, except as provided in accordance with this section.
- 108.2 The placing of any advertisement on any tree in public space is prohibited.
- 108.3 No poster or placard shall be publicly displayed or exhibited if it is lewd, indecent, or vulgar, or if it pictorially represents the commission of or the attempt to commit any crime.
- 108.4 Any sign, advertisement, or poster that does not relate to the sale of goods or services may be affixed on public lampposts or appurtenances of a lamppost, subject to the restrictions set forth in this section.
- 108.5 A sign, advertisement, or poster shall not be affixed for more than sixty (60) days, except the following:
- (a) Signs, advertisements, and posters of individuals seeking political office in the District who have met the requirements of §210 of the D.C. Campaign Finance Reform and Conflict of Interest Act (D.C. Code §1-1420 (1981)); and
 - (b) Signs designed to aid in neighborhood protection from crime shall be exempt from the sixty (60) day time period.
- 108.6 Political campaign literature materials shall be removed no later than thirty (30) days following the general election.
- 108.7 Each sign, advertisement, or poster shall contain the date upon which it was initially affixed to a lamppost.
- 108.8 Each sign, advertisement, or poster shall be affixed securely to avoid being torn or disengaged by normal weather conditions.
- 108.9 Signs, advertisements, and posters shall not be affixed by adhesives that prevent their complete removal from the fixture, or that do damage to the fixture.
- 108.10 No more than three (3) versions or copies of each sign, advertisement, or poster shall be affixed on one (1) side of a street within one (1) block.
- 108.11 Within twenty-four (24) hours of posting each sign, advertisement, or poster, two (2) copies of the material shall be filed with an agent of the District of Columbia so designated by the Mayor. The filing shall include the name, address, and telephone number of the originator of the sign, advertisement, or poster.
- 108.12 For purposes of this section, a "public lamppost" is any public post erected for the purpose of supporting electric wires.

SOURCE: Article 20, §2, Article 22, §3, Article 25, §12 of the Police Regulations (May 1981); as amended by §2 of the Street Sign Regulation Amendment Act of 1979, D.C. Law 3-50, 26 DCR 2733 (December 21, 1979); by §2 of the Crime Prevention Sign Posting Act of 1980, D.C. Law 3-148, 27 DCR 4883 (November 7, 1980).

109 BEAUTIFICATION OF TREE SPACES

- 109.1 The regulations contained in this section shall apply to the unpaved area of public space that lies between the street curb and the sidewalk, which is commonly reserved by the District government for planting trees.
- 109.2 The beautification of tree spaces shall be governed by the provisions of this section.
- 109.3 The beautification of tree spaces shall not require a permit.
- 109.4 The owner or occupant of property that abuts tree space shall not be liable for injuries to others as a result of a tree space beautification activity that complies with this section. Tree space beautification shall be undertaken solely at the personal risk and expense of the owner or occupant.
- 109.5 The District government reserves the right to enter tree space without the permission of the owner or occupant of the property that abuts the tree space.
- 109.6 The beautification of a tree space may be undertaken at the discretion of the owner or occupant of the property that abuts the tree space, and shall be under the immediate care and keeping of the owner or occupant of the property that abuts the tree space.
- 109.7 The beautification of a tree space shall not extend beyond the following requirements:
- (a) Extend over the curb or the sidewalk;
 - (b) Extend within three feet (3 ft.) of a crosswalk or paved bus stop landing;
 - (c) Extend within six feet (6 ft.) of an entrance to an alley; or
 - (d) Extend within six feet (6 ft.) of a street corner.
- 109.8 In a continuous tree space, beautification areas shall be not more than four feet (4 ft.) wide and nine feet (9 ft.) long. At least six feet (6 ft.) shall separate each beautified area. A beautification area shall not be planted within four feet (4 ft.) of a parking meter or a fire hydrant.
- 109.9 A tree space may be bordered by a continuous barrier on the three (3) sides that do not abut the curblane. The barrier may project not less than four inches (4 in.) and not more than twelve inches (12 in.) from the sidewalk or curb elevation. The use of wickets to edge or border a tree space shall be prohibited.
- 109.10 The grade of the tree space shall not be altered in conjunction with a beautification effort, except with mulch. The use of gravel as ground cover shall be prohibited.

- 109.11 Planting material used to beautify a tree space shall have a shallow root system and shall not be allowed to grow to a height in excess of eighteen inches (18 in.). The growing of vegetables in a tree space shall be prohibited.
- 109.12 A tree space beautification effort may be removed or destroyed with sufficient notice by the District government or its agents, if removal or destruction is made necessary by construction, repair, or maintenance activities.
- 109.13 A tree space beautification effort that is not in compliance with this section, or that is inadequately maintained or allowed to deteriorate may be removed with sufficient notice by the Department of Public Works.
- 109.14 This section shall not be construed to supersede the provisions of chapter 11 of Title 24 of the *D. C. Municipal Regulations*.

SOURCE: Section 3 of the Tree Space Beautification Regulation Act of 1989; D.C. Law 8-21, 36 DCR 4568 (June 30, 1989).

110 CONSTRUCTION, REPAIR, AND DEMOLITION

- 110.1 The provisions of this section shall apply to all streets, avenues, alleys, highways, footways, sidewalks, public parkings, and other public space in the District of Columbia (also referred to simply as "public space").
- 110.2 Persons engaged in the erection, alteration, demolition, or repair of any building may occupy the public space with building materials and appliances if a permit is secured from the Director of Consumer and Regulatory Affairs.
- 110.3 Each permit shall specify any condition, in addition to the provisions of this chapter, upon which it is granted.
- 110.4 All applications for storage of materials on the roadway, including debris removed from a building or building site, or material excavated from a building site, shall be approved by the Director of the Department of Public Works, subject to the conditions specified in this chapter.
- 110.5 The Director of Consumer and Regulatory Affairs may revoke a permit to occupy public space at any time the Director determines that the terms of the permit have been violated, or when traffic conditions or the public convenience may warrant revocation.
- 110.6 Building materials must be stored on private property until needed at the building that is being altered or repaired.
- 110.7 Old brick or building materials taken from a building may be stacked in front of the building site for a limited time specified in the permit, when these materials will be used in the construction of a new building to be erected on the site.
- 110.8 The maximum area permitted to be occupied shall not extend beyond seven feet (7 ft.) from the curb on streets where there are no railway tracks.

- 110.9 On streets having railway tracks, the area occupied shall not be more than one-half (1/2) the distance from the curb to the nearest rail from the curb; and, in no case, shall material be placed nearer than seven feet (7 ft.) from the outer rail of the track nearest the materials.
- 110.10 The material shall be compactly stacked or arranged to occupy as little space as possible, and to secure vehicles and pedestrians from danger.
- 110.11 Within twenty-five feet (25 ft.) of the intersection of building lines at street corners, the material shall not be piled higher than four feet (4 ft.).
- 110.12 All building material shall be removed from public space when the roof is placed on a building, or when ordered to be removed by the Director of Consumer and Regulatory Affairs.
- 110.13 Building material or earth from excavation may be temporarily deposited or stored in a space one-third (1/3) the width of any alley that is fifteen feet (15 ft.) or more in width, when authorized by the Director of Consumer and Regulatory Affairs, after approval by the Director of the Department of Public Works.
- 110.14 Building material or earth from excavation deposited or stored in an alley shall be removed immediately when the Mayor orders removal.
- 110.15 In all cases, the manner in which earth and materials are deposited in an alley shall permit the free use of the alley for the passage of vehicles, and shall allow unobstructed egress from the property abutting on the alley.
- 110.16 When considered necessary by the Mayor, the space allotted for materials may extend laterally in the roadway twenty feet (20 ft.) on each side of the lot on which the building is being erected.
- 110.17 A width of not less than six feet (6 ft.) shall be kept clear on the sidewalks. Beyond this required passageway, however, the sidewalk may be inclosed with a tight board fence used under the same conditions as the roadway; Provided, that no materials or rubbish are deposited or placed within two feet (2 ft.) of any tree, and provided that there is no vault under the sidewalk.
- 110.18 If any enclosing fence shall prevent passage on the sidewalk, a temporary plank sidewalk shall be constructed and maintained in good repair and free from rubbish, dirt, and snow. The temporary plank shall not be less than six feet (6 ft.) in width in the clear.
- 110.19 Dressing stone and cleaning brick or other materials may be stored within the parking line, if suitably enclosed by a tight fencing.
- 110.20 Each builder or owner occupying the roadway or sidewalk with materials shall exhibit a red light at night. The light shall be placed in a manner that warns the public of the obstruction of the roadway and sidewalk, and shows distinctly the clear passageway left in the roadway and sidewalk.

- 110.21 When the space occupied by the materials extends along the curb for twenty feet (20 ft.) or more, at least one (1) light shall be exhibited at each end of the obstruction, and hung clear of the obstruction on the side adjoining the roadway.
- 110.22 A temporary wooden office or storage shed not over two hundred square feet (200 ft.²) in floor area may be erected within the space allowed for the storage of building material. The shed shall be subject to removal when so ordered by the Director of Consumer and Regulatory Affairs.
- 110.23 Earth taken from excavation, and rubbish taken from the building, shall not be stored upon sidewalks or roadways, but shall be taken directly from buildings and removed from day to day.
- 110.24 When material or rubbish is removed through windows or other openings in the upper stories of a building, the material or rubbish shall be well wetted down and removed by means of tight chutes extending from the building to a point of discharge, as directed or approved by the Director of Consumer and Regulatory Affairs.

SOURCE: Article 3, §§3(a) through (j) of the Police Regulations (May 1981); as amended by §4 of the District of Columbia Solid Waste Regulations Amendment Act of 1989, D.C. Law 8-31, 36 DCR 4750, 4753 (July 7, 1989).

111 TEMPORARY USE OF PUBLIC SPACE FOR MERCHANDISE, CONTAINERS, AND OTHER ARTICLES

- 111.1 No person shall leave any goods, wares, or merchandise either in or upon any street, avenue, alley, highway, footway, sidewalk, parking, or other public space in the District for a period longer than two (2) hours, except as provided in this chapter or in chapter 2 of this title.
- 111.2 Whenever a sidewalk space is used temporarily for handling goods, a clear passageway for pedestrians shall be left at least ten feet (10 ft.) wide on business streets, and six feet (6 ft.) wide on residence streets.
- 111.3 No empty bottles stored in crates or otherwise, and no empty crates, baskets, buckets, tubs, cans, boxes, kegs, cartons, or barrels, shall be allowed to remain in or upon any public space.
- 111.4 No wood shall be sawed or split in or upon any public space.

SOURCE: Article 3, §13 of the Police Regulations (May 1981).

112 RETAIL BUSINESS USE OF ADJOINING PUBLIC SPACE

- 112.1 The owner or occupant of a store located in a residential-use district (as designated under the zoning regulations) may, during the time the store is open for business, use the space outside the front of the store to the extent of four feet (4 ft.) from the building line for the display of goods, wares, and merchandise directly connected with the business transacted within the store; Provided, that the use is conducted in compliance with the zoning regulations and in accordance with the provisions of this section.

- 112.2 The owner or occupant of a store located in the first or second commercial or industrial-use districts (as designated under the zoning regulations) may use the space outside the front of the store to the extent of three feet (3 ft.) from the building line for the display, in show cases or otherwise, of goods, wares, or merchandise directly connected with the business transacted within the store; Provided, that the use is conducted in accordance with the provisions of this section.
- 112.3 No meat, fish, or fowl shall be displayed outside of a store on any street or avenue.
- 112.4 No permit shall be issued for a bootblack stand on public space.
- 112.5 No permit shall be granted for a fruit stand on public space, except for the purpose of displaying fruit under the conditions set forth in §§112.1 and 112.2.
- 112.6 The provisions of this section shall not apply to the owners or occupants of stores or places of business located on business streets designated under §113.

SOURCE: Article 4, §§6 & 7 of the Police Regulations (May 1981).

113 BUSINESS STREETS

- 113.1 The streets within the following boundary areas shall be denominated "business streets" for the purposes of this chapter:
- (a) K Street N.W., between Fifth and Sixth Streets;
 - (b) The west side of Seventh Street, N.W., between the northern limit of the market building of the Northern Market Co., and the south building line of P Street;
 - (c) The west side of Eleventh Street, S.W., between Maine Avenue and F Street; and
 - (d) The south side of F Street, S.W., from Eleventh Street westward, a distance not exceeding one hundred feet (100 ft.).
- 113.2 The business streets and the sidewalks adjacent to business streets may be used by occupants of abutting property for business purposes under the conditions set forth in this section.
- 113.3 Permission to occupy more space on business streets than is allowed in §112 shall not be granted by the Director of Consumer and Regulatory Affairs, except under special order extending the limits of permissible occupation along the front of an entire block.
- 113.4 No permit shall be granted to occupy any portion of the sidewalk or parking to any person who is not the owner or occupant of the property abutting that sidewalk or parking.

- 113.5 Permits to occupy parking, sidewalks, or other public space shall not be transferable, and the space shall not be sublet.
- 113.6 Whenever any occupant of an adjacent building vacates the building, or sells or otherwise transfers his or her business in whole or in part, any permit previously issued to the occupant shall become void.
- 113.7 The subdivision of the space shall be under the direction of the Department of Consumer and Regulatory Affairs.
- 113.8 If meat, fish, poultry, or game of any kind is sold, the person or persons holding the permit(s) shall do the following:
- (a) Have those commodities under roof, and screened or covered as provided by the health and food regulations of the District of Columbia;
 - (b) Have a clean water supply for cleaning the hands and utensils of food dealers; and
 - (c) Ensure that these foods are kept from insanitary and contaminating products.
- 113.9 Anyone who uses public space to display merchandise and wares shall keep clean metal receptacles with covers for the deposit of all kinds of garbage, trash, and waste.
- 113.10 No papers, trash, or rubbish shall be thrown on any public space or in the streets adjacent to any public space; and no person shall allow any barrels, boxes, crates, or other property owned by him or her to be placed on any space not assigned to the person for occupancy.
- 113.11 The hours during which commodities may be sold on public space under this section are as follows:
- (a) During the months of April, May, June, July, August, and September, from 4:30 a.m. to 8:00 p.m.;
 - (b) During the months of October, November, December, January, February, and March, from 5:00 a.m. to 8:00 p.m.;
 - (c) During all months, on Saturdays until 11:30 p.m.; and
 - (d) At no time on Sundays.
- 113.12 The schedule of distribution of the space between the building line and the curb line on each side of K Street, shall be as follows:
- (a) A total of twenty-one feet (21 ft.) may be used for spaces;

- (b) The twenty-one feet (21 ft.) shall be divided into not more than three (3) spaces, one (1) of which shall not exceed five feet (5 ft.) wide, and two (2) of which shall not exceed eight feet (8 ft.) wide;
 - (c) The five foot (5 ft.) wide space shall be contiguous to the curb; and
 - (d) Each space shall be separated from each other space by an aisle for pedestrian traffic at least ten feet (10 ft.) wide, with an aisle between the building line and the nearest eight foot (8 ft.) space the width of the remaining portion of the sidewalk space.
- 113.13 The spaces are authorized to be used for the temporary display, handling, and sale of goods, and for the placing of counters. The counters shall be no more than four feet (4 ft.) in height; and shall not be placed or maintained in the space during the hours when spaces may not be used under this section, nor when spaces are otherwise not in use for the display of goods, unless any authorized canopy is adequately lighted for protection of pedestrians; Provided, that foods that are eaten in an uncooked condition, such as peaches, apples, grapes, and other fruits or vegetables, shall be placed on stands or tables that are not less than eighteen inches (18 in.) in height, or placed on the counters authorized by this section.
- 113.14 All aisles shall be kept open and unobstructed at all times.
- 113.15 The name of the owner of the merchandise displayed for sale on any of space or stand shall be conspicuously posted on the top of each stand.

SOURCE: Article 4, §§7 & 8 of the Police Regulations (May 1981).

114 APPLICATION FOR BUSINESS STREET DISPLAY PERMITS

- 114.1 Permits for the use of public space on business streets shall be issued annually to occupants of adjacent buildings who are engaged in the sale of merchandise within the buildings, upon application to the Department of Consumer and Regulatory Affairs on the form(s) prescribed by the Director, in accordance with this section.
- 114.2 Before occupying any portion of a street in the District of Columbia that has been or is denominated a business street in accordance with law, or before occupying any sidewalk or parking space contiguous to the street, each owner or occupant of any store, building, or other place of business on the street shall submit a least two (2) drawings showing, respectively, the location and dimensions of the space he or she desires to occupy, and the type of stands or structures, if any, the owner or occupant proposes to erect or use on the space.
- 114.3 No permit to occupy any public space shall be issued until the drawings required by §114.2 are approved by the Director of Consumer and Regulatory Affairs, and until one (1) of each of the drawings has been placed on file in the Department of Consumer and Regulatory Affairs.
- 114.4 Permits to construct shed roofs or awnings on the public space may be issued by the Mayor to the owner or owners of adjacent buildings, in accordance with plans

to be submitted to and approved by the Director of Consumer and Regulatory Affairs.

- 114.5 Applications for additional space privileges shall state the space desired and the nature of the business to be conducted on the space.
- 114.6 All persons occupying a space on a business street or a portion of a business street, for displaying or selling merchandise, or for other business purposes, shall pay to the District of Columbia a monthly rental fee of one hundred thirty-six dollars (\$136).
- 114.7 The full name of the owner of merchandise displayed or sold in a structure or stand on any business street, sidewalk, parking space, or other public space, shall be conspicuously displayed on each structure or stand.

SOURCE: Article 4, §8, and Article 5, §2(e) of the Police Regulations (May 1981).

115 SKATEBOARDS, ROLLERSKATES, AND ROLLERBLADES

- 115.1 Any person using skateboards, rollerskates, roller blades, or similar devices upon the parks and plazas located in the Pennsylvania Avenue Development area shall be subject to the rules under 18 DCMR §§1211.3 through 1211.10.

SOURCE: Section 2 of the Pennsylvania Avenue Development Area Parks and Plaza Public Safety Amendment Act of 1995, D.C. Law 11-19, 42 DCR 1843 (April 21, 1995).

116 - 119 [RESERVED]

120 RAILROADS AND RAILROAD CROSSINGS

- 120.1 No unauthorized person shall loiter, walk, ride, drive, or otherwise trespass upon any of the following:
- (a) Railroad tracks;
 - (b) The bridges or elevated or depressed structures carrying tracks;
 - (c) Locomotives or cars operated on tracks; or
 - (d) In tunnels or underpasses designed or used solely for the accommodation of tracks of any steam, diesel, or electric railroad company operating in the District of Columbia.

- 120.2 It shall be unlawful for any person or persons to remove snow from the tracks of any railway in the District of Columbia in a manner that obstructs the free passageway of any street, avenue, or roadway.
- 120.3 No person shall sprinkle salt or other decomposing substance upon any railway tracks or rails in the District of Columbia for the purpose of melting snow or ice on the tracks or rails, or for any purpose, unless a permit is granted by the Mayor.
- 120.4 No person, firm, or corporation shall move, cause to be moved, or take any part in moving a railway locomotive, car, or train of cars on or over an intersection at grade of that railway with any street, alley, avenue, highway, footway, sidewalk, parking, or other public space in the District, unless the movement is protected by a visible signal, such as a sign, red flag, or similarly suitable device, displayed at the intersection in advance of each movement by a member of the crew of the locomotive, car, or train.
- 120.5 If, in the opinion of the Mayor, the volume of pedestrian or vehicular traffic at any intersection at grade is sufficient to justify additional safeguards, the intersection shall, if ordered by the Mayor, be guarded also by a standard railway cross-arm warning sign, gate, electric bells, electric automatic flashing red signal lights, or other appliance, or combination of appliances, to be approved by the Mayor. The safeguarding appliances shall be constructed, operated, and maintained by and at the cost of the company operating the railway.
- 120.6 No person, firm, or corporation shall move, cause to be moved, or take part in moving a railway locomotive, car, or train of cars on or upon a street or other public space between sunset and sunrise, unless a headlight or other equivalent reflecting lantern, or a hand lantern in the hands of an attendant, is displayed upon the most advanced approaching part of the locomotive, car, or train or cars to give due warning of its approach to persons near or crossing the tracks.
- 120.7 No highway or railway crossing in the District of Columbia on which tracks of steam railroad are laid shall be obstructed by any train, locomotive, car, or crossing gates for a period longer than five (5) minutes; nor shall a train, locomotive, car, or cars be parked or stored on a street for an unreasonable time.
- 120.8 The supervisor of tracks or yardmaster shall be held liable and subject to prosecution for obstructions by crossing gates when, by his or her order, they are kept down for a longer time than is permitted by the rules of this chapter.
- 120.9 All railroad sidings, switches, and standing tracks within the District terminating at, abutting on, or adjacent to a street or other public space or private property, at whatever grade, shall at all times, without notice, when in use for the movement of cars, locomotives, or other railroad carriages, be protected and kept protected by the construction and maintenance of bumping blocks or other protection approved by the Mayor.
- 120.10 The person or persons, or corporation or corporations using the railroad sidings, switches, and standing tracks shall be responsible for the construction of the protection devices; and for maintaining them in sound, safe, and serviceable condition once they are approved by the Mayor.

SOURCE: Article 3, §6; Article 25, §§3, 4, & 5 of the Police Regulations (May 1981).

121 TENTS, TRAILER CAMPS, AND OTHER TEMPORARY ABODES

- 121.1 No person or persons shall set up, maintain, or establish any camp or any temporary place of abode in any tent, wagon, van, automobile, truck, or house trailer, of any description, or in any combination, on public or private property, without the consent of the Mayor of the District of Columbia.
- 121.2 Nothing contained in this section shall prevent any owner or lawful occupant of private property provided with sufficient sewage and water facilities, in the opinion of the Director of Health, from permitting use of the his or her private property for setting up and maintaining a temporary place of abode for not more than a total thirty (30) days in any consecutive three (3) months.
- 121.3 Not more than two (2) single, temporary places of abode, as defined in this section, shall be maintained at any one (1) location.
- 121.4 Each tent, wagon, van, automobile, truck, house trailer, or other temporary place of above shall be situated or placed more than forty feet (40 ft.) from any public space; and shall not disturb the peace and quiet of the neighborhood.

SOURCE: Article 17, §24 of the Police Regulations (May 1981).

122 PUBLIC TOILETS

- 122.1 No person shall blow, spread, or place any nasal or other bodily discharge; or spit, urinate, or defecate; on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station, or in any place in a public convenience station; except directly into the particular fixture provided for that purpose.
- 122.2 No person shall place any bottle, can, cloth, or rag; or metal, wood, or stone substance; in any of the plumbing fixtures in any public convenience station.
- 122.3 No person shall stand or climb on any closet, closet seat, basin, partition, or other furniture or fitting; or loiter about, or push, crowd, or otherwise act in disorderly manner; or interfere with any attendant in the discharge of his or her duties; or whistle, dance, sing, skate, or swear, or use obscene, loud, and boisterous language within any public convenience station, or at or near the entrances of a public convenience station.
- 122.4 No person shall cut, deface, mar, destroy, or break, or write on or scratch any wall, floor, ceiling, partition, fixture, or furniture; or use towels in any improper manner; or waste soap, toilet paper, or any of the facilities provided in any public convenience station.

SOURCE: Article 25, §§8 through 10 of the Police Regulations (May 1981).

